

NEPA COMPLIANCE RECORD
CATEGORICAL EXCLUSION (CX)
Lower Sonoran Field Office

NEPA #: DOI-BLM-AZ-P020-2011-017-CX

Serial/Case File No. AZA-34425-01

Proposed Action Title/Type: Test Well Program for Solar Project

Location of Proposed Action:

Gila and Salt River Meridian, Maricopa County

T. 4 S., R. 10 W.,
Sec. 11, S2S2;
Sec. 12, S2S2SW, S2S2SWSE;
Sec. 13, N2N2NWNE, N2N2NW.

T 4 S., R. 9 W.,
Sec. 19, SWNW.

Description of Proposed Action:

In January, 2011, Pacific Solar Investments (PSI) applied for a short term right-of-way (ROW) to conduct water testing to include 4 test wells and ancillary access roads to those test well sites.

These proposed test wells are associated with a Renewable Energy Solar project currently being analyzed with an Environmental Impact Statement. In an effort to determine water quantity and quality, the company is requesting to conduct several test wells. If project is authorized, three test wells would remain in place to serve as monitoring wells for the project and one well would serve as a production well for the project. If the solar project is not authorized, the test well locations will be rehabilitated to their natural or original condition.

CH2MHill, a subcontractor for PSI has completed an Environmental Report for the proposed test well program. Environmental Report and supporting documents are attached.

Applicant (if any): Pacific Solar Investments, Inc.

PART I: PLAN CONFORMANCE REVIEW. The proposed action conforms to the Lower Gila South Resource Management Plan (RMP) and Record of Decision approved in 1988, as amended July 2005. According to page 21 of the RMP, "Lower Gila Resource Area processes a variety of land actions in the Lower Gila South RMP/EIS area – rights-of-way, communication sites,

easements, permits, and unauthorized occupancy. All land cases would continue to be evaluated on a case-by-case basis.”

The proposed action has been reviewed and determined to be in conformance with this plan (43 CFR 1610.5, BLM MS 1617.3).

_____/s/_____
BLM Project Manager

_____/03/16/2011_____
Date

PROGRAM CONSULTATION & COORDINATION/CX CHECKLIST
BUREAU OF LAND MANAGEMENT
LOWER SONORAN FIELD OFFICE

PART II: CATEGORICAL EXCLUSION REVIEW

Technical Review:

Applies?	NAME	EXCEPTION	SIGNATURE	DATE
() (No)		(1) Have Significant adverse effects on public health or safety?	/s/	04/15/2011
() (No)		(2) Have adverse effects on such unique geographic characteristics as historic or cultural resources, parks, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains or ecologically significant or critical areas including those listed on the Department's National Register of Natural Landmarks.	/s/	04/15/2011
() (No)		(3) Have highly controversial environmental effects	/s/	04/15/2011
() (No)		(4) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	/s/	04/15/2011
() (No)		(5) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	/s/	04/15/2011
() (No)		(6) Individually Insignificant, but cumulatively significant effects.	/s/	04/15/2011
() (No)		(7) Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.	/s/	04/15/2011
() (No)		(8) Have adverse effects on species listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.	/s/	04/15/2011
() (No)		(9) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	/s/	04/15/2011
() (No)		(10) Have a disproportionately high and adverse effect on low income or minority populations.	/s/	04/15/2011
() (No)		(11) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners.	/s/	04/15/2011
() (No)		(12) Contribute to the introduction, continuation existence, or spread of noxious weeds or non-native invasive species.	/s/	04/15/2011

Final Review:

Environmental Coordinator: _____/s/_____ Date: _____04/15/2011_____

This proposed action qualifies as a categorical exclusion under 516 DM 11, Appendix 4. E. 17, and 19.

This states:

(17): “Grant of a short rights-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well.”

(19): “Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.”

It has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2, apply.

The action does not have significant adverse effects on public health and safety nor does the action adversely affect such unique geographic characteristics as historic or cultural resources, parks, recreation, or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department’s National Register of Natural Landmarks. The action does not have highly controversial environmental effects nor have highly uncertain environmental effects or involve unique or unknown environmental risk nor does it adversely affect a species listed or proposed to be listed on the list of endangered or threatened species. It does not establish a precedent for future action or represent a decision in principle about a future consideration with significant environmental effects or related to other actions with individually insignificant but cumulatively significant environmental effects. The proposed action does not adversely affect properties listed or eligible for listing in the National Register of Historic Places or threaten to violate a Federal, State, local or tribal law or requirements imposed for the protection of the environment or which require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands) or the Fish and Wildlife Coordination Act.

Comments on the exceptions listed above: An interdisciplinary team reviewed the proposal and found that none of the ten exceptions above apply. It was determined that there would be no adverse impact. The Renewable Energy Coordination Office specialists participated in the interdisciplinary team review:

Melissa Warren, Project Manager
Kevin Grove, Wildlife Biologist
Connie Stone, Archaeologist
William Wells, Hydrologist
Jacqueline Neckels, NEPA Coord.
Eddie Arreola, Supv. Project Manager

Mitigation Measures/Stipulations:

Compliance and assignment of Responsibility: Ultimate responsibility for compliance with the terms and conditions of the right-of-way grant will be that of the right-of-way holder. It will be our responsibility to ensure that these terms and conditions developed by BLM staff are met.

Monitoring and assignment of Responsibility: The Lower Sonoran Field Office, primarily through the Lands Staff, will be responsible for monitoring the right-of-way to ensure that the BLM-developed terms and conditions are being met. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way granted herein may be reviewed at any time deemed necessary by the authorized officer.

Required Stipulations:

1. Terms and Conditions:

- a. Pacific Solar Investments, Inc. (PSI) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et.seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
- b. PSI shall notify the Authorized Officer prior to commencement of emergency maintenance outside the right-of-way to discuss repair and construction activities.
- c. Any archaeological or historical artifacts or remains, or vertebrate fossils discovered during construction, maintenance and use shall be left intact and undisturbed, all work in the area shall stop immediately, and the BLM Authorized Officer shall be notified immediately. Commencement of operations shall be allowed upon clearance by the Authorized Officer.
- d. An additional cultural and paleontological resource survey may be required in the event the project location is changed or additional surface disturbing operations are

added to the project after the initial survey. Any such survey would have to be completed prior to commencement of operations.

- e. If in connections with operations under this authorization, any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; Stat. 3048; 25 U.S.C. 3001) are discovered, PSI shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Program Manager for Planning and Monitoring of the discovery. PSI shall continue to protect the immediate area of the discovery until notified by the Assistant Field Manager for Non Renewable Resources that operations may resume.
- f. PSI will thoroughly power wash and remove all vegetative material and soil before transporting equipment to the construction site to help minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers, and all other machinery. PSI shall be responsible for weed control on disturbed areas within the limits of the right-of-way or construction site. PSI is responsible for consultation with the authorized officer and location authorities for implementing acceptable weed treatment methods. Any use of chemical treatments will abide by all safety and applicable guidelines as listed on the product label and Material Data Safety Sheet (MSDS). Any reclamation efforts requiring seeding will be done with certified, weed-free native seed.
- g. PSI shall take all necessary steps to prevent or minimize soil erosion.
- h. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
- i. PSI must apply for an amendment at any time additional land, equipment, and/or new uses are proposed which are beyond the scope of the existing authorization. This includes significant maintenance such as pipe replacement, upgrades, and/or construction of new roads.
- j. PSI will provide the BLM with a photograph record of the routes and drill sites prior to construction activities to assist in the reclamation efforts.
- k. At least 60 days prior to termination of the right-of-way, PSI shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or

surface material, recontouring, top soiling, or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.

- l. PSI shall stake/lathe the routes to keep the drilling equipment and contractors on the authorized track prior to any commencement of construction activities.
- m. PSI shall notify the Authorized Officer 48 hours prior to drilling.

Part III: DECISION. I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed action does not conflict with major land-use-plans and will not have any major adverse impacts on other resources. Therefore, it does not represent an exception, and is categorically excluded from further environmental review. It is my decision to implement the project, as described, with the mitigation measures attached.

Authorized Official: _____/s/_____
Emily Garber

Date: __04/21/2011__